

# Title Agency Monthly Report

For the month of December, 2009

## New License

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
162527	TITAN TITLE INSURANCE AGENCY LLC	12/17/2009	12/31/2011			TS
162527	TITAN TITLE INSURANCE AGENCY LLC	12/17/2009	12/31/2011			TE
162527	TITAN TITLE INSURANCE AGENCY LLC	12/17/2009	12/31/2011			TMR

## License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
7812	ANDERSON-OLIVER TITLE INSURANCE AGEN	5/16/2002	12/31/2011			TE
7812	ANDERSON-OLIVER TITLE INSURANCE AGEN	5/16/2002	12/31/2011			TS
10661	MONUMENT TITLE INSURANCE, INC	5/16/2002	12/31/2011			TE
6478	PARAMOUNT TITLE CORPORATION	5/16/2002	12/31/2011			TE
10844	PREMIER TITLE & ESCROW INSURANCE AGE	5/16/2002	12/31/2011			TMR
10844	PREMIER TITLE & ESCROW INSURANCE AGE	5/16/2002	12/31/2011			TE
6478	PARAMOUNT TITLE CORPORATION	5/16/2002	12/31/2011			TS
10844	PREMIER TITLE & ESCROW INSURANCE AGE	5/16/2002	12/31/2011			TS
6053	SUMMIT ESCROW & TITLE INSURANCE AGE	5/16/2002	12/31/2011			TS
7704	UTAH COMMERCIAL TITLE INSURANCE AGE	5/16/2002	12/31/2011			TS

## Late License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
14959	UNION TITLE INSURANCE AGENCY LLC	11/4/2005	11/30/2011			TE
14959	UNION TITLE INSURANCE AGENCY LLC	11/4/2005	11/30/2011			TS

## Reinstated License

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification

Monday, January 11, 2010

# Title Agency Monthly Report

For the month of December, 2009

## Reinstated License

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
14959	UNION TITLE INSURANCE AGENCY LLC	11/4/2005	11/30/2011	12/30/200	12/11/2009	TE
14959	UNION TITLE INSURANCE AGENCY LLC	11/4/2005	11/30/2011	12/30/200	12/11/2009	TS

# Title Individual Monthly Report

For the month of December, 2009

## New License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1404622	BRIAN MICHAEL JONES	12-08-2009	03-31-2012			TE
1407056	DANIELLE MARIE TRUJILLO	12-10-2009	03-31-2012			TE
1410464	ANNETTE VELARDE	12-07-2009	08-31-2012			TMR
1412110	MATTHEW C WATHEN	12-14-2009	02-29-2012			TMR
31074	MOLLY WINBORG WINKELAAR	11-30-2009	01-31-2012			TE
1410581	CHRISTOPHER L. DURLING	12-08-2009	08-31-2012			TMR
1409824	JAKOB STEELE BRANDLEY	12-24-2009	02-29-2012			TE

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
90721	Donnette Adams	06-03-2003	12-31-2011			TS
43770	SHONNA L EVANS	05-16-2002	12-31-2011			TE
120423	LETICIA MARIA ARRIAGA	10-20-2005	12-31-2011			TE
146236	ANDREW JOHN ARNOTT	05-16-2007	12-31-2011			TS
146236	ANDREW JOHN ARNOTT	05-16-2007	12-31-2011			TE
15710	MARIE C MCCLELLAND	05-16-2002	12-31-2011			TE
38573	KAREN L ANDERSON	05-16-2002	12-31-2011			TE
90721	Donnette Adams	06-03-2003	12-31-2011			TE
38573	KAREN L ANDERSON	05-16-2002	12-31-2011			TE

# Title Individual Monthly Report

For the month of December, 2009

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
142199	KELLIE SUZANNE EDMONDSON	04-13-2007	12-31-2011			
44648	MARK D EARLEWINE	05-16-2002	12-31-2011			TE
110411	AARON KIZIAH DIMICK	02-17-2005	12-31-2011			TS
39818	CINDY CHERRINGTON	05-16-2002	12-31-2011			TE
31776	CHRIS CHAMBERLAIN	05-16-2002	12-31-2011			TE
126351	DANIELLE L BICKLEY	03-15-2006	12-31-2011			TS
44452	EDWARD LARSEN CAMPBELL	05-16-2002	12-31-2011			TE
41691	DOUGLAS D BOULDEN	05-16-2002	12-31-2011			TS
139783	CHAD KEITH BUTLER	05-25-2007	12-31-2011			TE
149138	HEATHER ANN BURROWS	08-30-2007	12-31-2011			TMR
149138	HEATHER ANN BURROWS	08-30-2007	12-31-2011			TS
35642	CARRIE L BROUGH	05-16-2002	12-31-2011			TE
95582	MARC TYLER BROSTROM	10-29-2003	12-31-2011			TE
121334	CASSIE JACKSON	11-14-2005	12-31-2011			TMR
14452	EDWARD LARSEN CAMPBELL	05-16-2002	12-31-2011			TMR
37806	HEIDI ELIZABETH MADDOX	08-14-2007	12-31-2011			TE
40603	LINDSEY MCCARTHY	08-03-2007	12-31-2011			TE
4589	MARIANNE C FINLINSON	05-16-2002	12-31-2011			TE
1589	MARIANNE C FINLINSON	05-16-2002	12-31-2011			TE
225	NIKKI A GONZALEZ	05-16-2002	12-31-2011			TS
						TE

# Title Individual Monthly Report

For the month of December, 2009

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
31225	NIKKI A GONZALEZ	05-16-2002	12-31-2011			TS
43000	CHARLES A HAMMOND	05-16-2002	12-31-2011			TE
43000	CHARLES A HAMMOND	05-16-2002	12-31-2011			TS
44263	R BRUCE HANCEY	05-16-2002	12-31-2011			TE
44263	R BRUCE HANCEY	05-16-2002	12-31-2011			TS
35166	BLAKE T HEINER	05-16-2002	12-31-2011			TE
35166	BLAKE T HEINER	05-16-2002	12-31-2011			TS
108475	TIFFANY HILL	03-03-2005	12-31-2011			TE
108475	TIFFANY HILL	03-03-2005	12-31-2011			TS
41691	DOUGLAS D BOULDEN	05-16-2002	12-31-2011			TMR
31387	BABS W ISON	05-16-2002	12-31-2011			TS
26947	MARILYN W CARR	05-16-2002	12-31-2011			TE
33237	KIRK K EHLERS	05-16-2002	12-31-2011			TE
34669	GREGORY SCOTT JOHNSTON	05-16-2002	12-31-2011			TE
34669	GREGORY SCOTT JOHNSTON	05-16-2002	12-31-2011			TE
27170	BRENDA B JONES	05-16-2002	12-31-2011			TS
33237	KIRK K EHLERS	05-16-2002	12-31-2011			TE
35859	SARAH L KIMBALL	05-16-2002	12-31-2011			TS
45732	STEVEN L KNOTT	05-16-2002	12-31-2011			TS
45732	STEVEN L KNOTT	05-16-2002	12-31-2011			TE
						TS

# Title Individual Monthly Report

For the month of December, 2009

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
31387	BABS W ISON	05-16-2002	12-31-2011			TE
52128	DONNA A LEONIS	05-16-2002	12-31-2011			TE
2324	ROBERT A MAC DONALD	05-16-2002	12-31-2011			TE
2324	ROBERT A MAC DONALD	05-16-2002	12-31-2011			TE
86523	LORAIN D LEE	02-06-2003	12-31-2011			TS
35859	SARAH L KIMBALL	05-16-2002	12-31-2011			TE
45361	MARK JAMES SNYDER	05-16-2002	12-31-2011			TE
39420	CAROLYN MCNEIL	05-16-2002	12-31-2011			TS
1341333	WENDY MEEKS	10-09-2007	12-31-2011			TE
150225	TODD DAVID NEBEKER	08-28-2007	12-31-2011			TE
30363	WENDY J NEWMAN	05-16-2002	12-31-2011			TE
110250	SHANE WILSON NORRIS	04-06-2005	12-31-2011			TE
110250	SHANE WILSON NORRIS	04-06-2005	12-31-2011			TE
37048	CATHERINE L NOYES	05-16-2002	12-31-2011			TS
36881	CORWIN F OGDEN	05-16-2002	12-31-2011			TE
36881	CORWIN F OGDEN	05-16-2002	12-31-2011			TE
26193	CAROL C POOLE	05-16-2002	12-31-2011			TS
10808	TODD A. PRYOR	05-16-2002	12-31-2011			TE
0250	CORI L RICHINS	05-16-2002	12-31-2011			TS
8154	NICOLE A STANWORTH	05-16-2002	12-31-2011			TE

# Title Individual Monthly Report

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## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
96917	MELISA ANN WESTWOOD	12-16-2003	12-31-2011			TE
30885	CINDY SHEPHERD	05-16-2002	12-31-2011			TE
41825	NATHAN D WALKER	05-16-2002	12-31-2011			TE
122218	KIMBERLY C VANWAGONER	12-14-2005	12-31-2011			TE
32567	KERRI L ULIBARRI	05-16-2002	12-31-2011			TE
37699	WAYNE G TANNER	05-16-2002	12-31-2011			TE
37699	WAYNE G TANNER	05-16-2002	12-31-2011			TS
44068	ROBERT C RODMAN	05-16-2002	12-31-2011			TE
120474	WENDY SORENSEN	05-16-2002	12-31-2011			TS
26519	DEBRA K ROPELATO	10-26-2005	12-31-2011			TE
53278	EDDIE R SNOW	05-16-2002	12-31-2011			TE
53278	EDDIE R SNOW	05-16-2002	12-31-2011			TS
120161	MASON M SMITH	05-16-2002	12-31-2011			TE
45971	KIRK DONALD SMITH	10-19-2005	12-31-2011			TE
45971	KIRK DONALD SMITH	05-16-2002	12-31-2011			TS
44068	ROBERT C RODMAN	05-16-2002	12-31-2011			TE
42978	Sally H. Mather	05-16-2002	12-31-2011			TE
91256	CHRISTINA D WHITING	05-16-2002	12-31-2011			TE
109911	SHEYENNE AUTUMN WISE	06-12-2003	12-31-2011			TS
93461	DUSTIN KENT WRIGHT	02-03-2005	12-31-2011			TS
		08-21-2003	12-31-2011			TE

# Title Individual Monthly Report

For the month of December, 2009

## License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
140692	CASEY JAY WEESE	02-23-2007	12-31-2011			TE
140692	CASEY JAY WEESE	02-23-2007	12-31-2011			TS

## Late License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
37952	JOLYNN NELSON	05-16-2002	12-31-2011			TE
37952	JOLYNN NELSON	05-16-2002	12-31-2011			TMR
28060	MICHAEL T SUMNER	05-16-2002	12-31-2011			TS
28060	MICHAEL T SUMNER	05-16-2002	12-31-2011			TE

## Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
31891	VIKKI E BARNETT	05-16-2002	11-30-2009	12/30/2009		TE
45987	DONNA W THOMPSON	05-16-2002	11-30-2009	12/30/2009		TE
45987	DONNA W THOMPSON	05-16-2002	11-30-2009	12/30/2009		TS
340492	LISA WOODARD	09-28-2007	11-30-2009	12/30/2009		TMR
46570	TONY B GWYNN	05-24-2007	11-30-2009	12/30/2009		TMR
516	SUSAN L TOLLIVER	05-16-2002	11-30-2009	12/30/2009		TE
4331	HEATHER W CHRISTENSEN	09-19-2003	11-30-2009	12/30/2009		TE



# Title Individual Monthly Report

For the month of December, 2009

## Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
95314	DOUGLAS M WHITE	10-20-2003	11-30-2009	12/30/2009		TE
94331	HEATHER W CHRISTENSEN	09-19-2003	11-30-2009	12/30/2009		TS
95314	DOUGLAS M WHITE	10-20-2003	11-30-2009	12/30/2009		TMR
109487	ROSS KELLYN MOORE	01-21-2005	11-30-2009	12/30/2009		TE
70575	ALAN L STODDARD	05-16-2002	11-30-2009	12/30/2009		TMR
113767	TENEIL LYNN WATSON	05-13-2005	11-30-2009	12/30/2009		TE
150377	LACEY A PEARSON	08-14-2007	11-30-2009	12/30/2009		TMR
79850	STEELE R HENDERSHOT	08-06-2002	11-30-2009	12/30/2009		TMR
109487	ROSS KELLYN MOORE	01-21-2005	11-30-2009	12/30/2009		TS

## Reinstated License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
83561	DANIEL JEFF NIELSON	11-08-2002	11-30-2011	12/30/2009	12/11/2009	TE
114194	BRYCE STEPHEN HARWARD	05-31-2005	11-30-2011	12/30/2009	12/14/2009	TE
114194	BRYCE STEPHEN HARWARD	05-31-2005	11-30-2011	12/30/2009	12/14/2009	TS
100423	BRITTANY SUE JEPSEN	04-09-2004	10-31-2011	11/30/2009	12/17/2009	TE
145147	RYAN A MCCLEVE	04-30-2007	05-31-2011	6/30/2009	12/16/2009	TMR
34734	LINDA C PETTY	05-16-2002	11-30-2011	12/30/2009	12/4/2009	TE

## Title Insurance Consumer Complaints

### Open and Closed Consumer Complaint Summary Report

Case #	Date Open	Date closed	Complaint	CSA
57935	12/1/2009	12/21/2009	Title company failed to pay an unpaid lien amount of \$285.42 at closing, the other amount was paid to Draper City instead of the County. Appears the payment to Draper City did not contain enough information to clarify what account it was meant to pay which may have caused a problem.	Sandy

# **Title Insurance Consumer Complaints Open and Closed Per Month Report**

	Open	Closed
June	1	
July		
August		
September		
October		
November		
December	6	2
<b>Total 2007</b>	<b>7</b>	<b>2</b>
January	1	0
February	1	1
March	3	2
April	5	2
May	0	5
June	1	1
July	0	1
August	2	1
September	1	0
October	0	3
November	1	0
December	0	1
<b>Total 2008</b>	<b>15</b>	<b>17</b>
January	0	0
February	0	1
March	0	0
April	0	0
May	1	0
June	0	1
July	0	0
August	1	0
September	0	0
October	0	1
November	0	0
December	1	2
<b>Total for 2009</b>	<b>3</b>	<b>5</b>

## Title Insurance Investigations

### Open and Closed Per Month Report

	Opened	Closed
January	7	4
February	20	26
March	11	41
April	19	25
May	20	7
June	20	39
July	26	17
August	24	21
September	15	55
October	14	15
November	25	17
December	11	55
<b>Totals for 2008</b>	<b>212</b>	<b>322</b>
January	8	31
February	13	15
March	4	12
April	10	5
May	5	5
June	16	25
July	6	7
August	15	17
September	31	22
October	20	18
November	7	11
December	10	9
<b>Totals for 2009</b>	<b>145</b>	<b>177</b>

# Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
2174	5/20/08	Stipulation and Order	Prosecutor for drafting	9/8/08	
			Respondent for signature		
			Penalty imposed by commission		
2192	5/30/08	Complaint for revocation	Sent to Respondent	10/21/09	
			No response / revocation		
2282	10/9/08	Stipulation and Order	Prosecutor for drafting	3/2/09	
			Respondent for signature		
			Penalty imposed by commission		
2313	11/19/08	Stipulation and Order	Prosecutor for drafting	4/6/09	
			Respondent for signature		
			Penalty imposed by commission		
2328	12/17/08	Stipulation and Order	Prosecutor for drafting	11/9/09	11/17/2009
			Respondent for signature		
			Penalty imposed by commission		
2331	12/22/08	Stipulation and Order	Prosecutor for drafting	5/12/09	
			Respondent for signature		
			Penalty imposed by commission		
2332	12/23/08	Stipulation and Order	Prosecutor for drafting	5/27/09	
			Respondent for signature		
			Penalty imposed by commission		
2333	12/23/08	Order to show Cause	Sent to Respondent	10/20/09	
			No response / revocation		
2334	12/23/08	Order to show Cause	Sent to Respondent	11/18/09	
			No response / revocation		
2366	2/5/09	Stipulation and Order	Prosecutor for drafting	10/20/09	
			Respondent for signature		
			Penalty imposed by commission		
2367	2/5/09	Stipulation and Order	Prosecutor for drafting	11/18/09	
			Respondent for signature		
			Penalty imposed by commission		
2405	4/15/09	Stipulation and Order	Prosecutor for drafting	5/14/09	11/23/2009
			Respondent for signature		
			Penalty imposed by commission		
2423	5/14/09	Stipulation and Order	Prosecutor for drafting	10/8/09	
			Respondent for signature		
			Penalty imposed by commission		
2469	7/30/09	Stipulation and Order	Prosecutor for drafting	11/9/09	11/23/2009
			Respondent for signature		
			Penalty imposed by commission		
2470	7/30/09	Stipulation and Order	Prosecutor for drafting	4/20/09	
			Respondent for signature		
			Penalty imposed by commission		
2484	8/12/09	Order to show Cause	Prosecutor for drafting	7/30/09	
			Respondent for signature		
			Penalty imposed by commission		
2485	8/12/09	Order to show Cause	Prosecutor for drafting	7/30/09	
			Respondent for signature		
			Penalty imposed by commission		
2486	8/12/09	Order to show Cause	Sent to Respondent	11/9/09	11/19/2009
			No response / revocation		
2487	8/12/09	Order to show Cause	Sent to Respondent	8/25/09	
			No response / revocation		
2488	8/12/09	Order to show Cause	Sent to Respondent	11/18/09	
			Accepted by respondent		
2489	8/12/09	Order to show Cause	Sent to Respondent		
			Accepted by respondent		

2488	8/12/09	Order to show Cause	Sent to Respondent	8/25/09	
			No response / revocation	11/18/09	
2489	8/12/09	Order to show Cause	Sent to Respondent	8/31/09	
			No response / revocation	11/18/09	
2498	9/1/09	Stipulation and Order	Prosecutor for drafting		
			Respondent for signature		
			Penalty imposed by commission		Agency closed
2501	9/2/09	Informal Action	Sent to Respondent	10/5/09	
			Accepted by respondent		
2516	9/23/09	Informal Action	Sent to Respondent	9/30/09	
			Accepted by respondent		
2517	9/17/09	Informal Action	Sent to Respondent	9/30/09	
			Accepted by respondent		
2520	9/23/09	Informal Action	Sent to Respondent		
			Accepted by respondent		
2521	9/23/09	Informal Action	Sent to Respondent	9/30/09	
			Accepted by respondent		
2523	9/30/09	Informal Action	Sent to Respondent		
			Accepted by respondent		
2537	10/13/09	Informal Action	Sent to Respondent	11/2/09	
			Accepted by respondent		
2538	10/14/09	Stipulation and Order	Prosecutor for drafting		
			Respondent for signature		
			Penalty imposed by commission		
2548	10/26/09	Stipulation and Order	Prosecutor for drafting		
			Respondent for signature		
			Penalty imposed by commission		
2550	10/27/09	Informal Action	Sent to Respondent	11/2/09	
			Accepted by respondent		11/17/2009
2551	10/27/09	Informal Action	Sent to Respondent	11/2/09	
			Accepted by respondent		
2598	12/22/09	Stipulation and Order	Prosecutor for drafting	12/22/09	
			Respondent for signature		
			Penalty imposed by commission		

### Title Insurance Investigations

Open Investigations Summary Report																													
Case #	Date Opened	Date Closed	Elapsed Time	Reason Closed	31A-202: report & interview completed	31A-101: foreign interview completed	31A-15-102: unperf. interview	31A-20-110: unperf. interview	31A-20-109: req. of information	31A-20-111: character limitation	31A-20-112: bc. possession	31A-20-201: special deferral	31A-20-302: agency interview	31A-20-403: info. review	31A-20-408: info. review	31A-20-411: 1st interview	31A-20-413: review	31A-20-500: completed	31A-3-101: for review	31A-3-102: for review	31A-3-103: for review	31A-3-104: for review	31A-3-105: for review	31A-3-106: for review	31A-3-107: for review	31A-3-108: for review	31A-3-109: for review	31A-3-110: for review	
17197	5/4/08		249																										
17331	6/10/08		212										X																
17382	6/30/08		192																										
17486	8/3/08		158																										
17496	8/3/08		158																										
17497	8/3/08		158																										
17571	8/27/08		134																										
17579	8/31/08		130																										
17601	9/2/08		128																										
17602	9/3/08		127																										
17622	9/14/08		116																										
17640	9/15/08		115																										
17650	9/17/08		113																										
17706	9/29/08		101																										
17708	9/30/08		100																										
17710	9/30/08		100																										
17721	10/1/08		98																										
17724	10/5/08		96																										
17751	10/8/08		92																										
17777	10/19/08		81																										
17778	10/19/08		81																										
17807	10/26/08		74																										
17820	10/27/08		73																										
17821	10/27/08		73																										
17825	10/28/08		72																										
17834	10/28/08		72																										
17874	11/16/08		53																										
17879	11/16/08		53																										
1881	11/17/08		52																										
1906	11/23/08		46																										
					Unfair Marketing																								
					Failure to pay Federal and State tax liens at time of closing																								
					Possible Mfg. fraud																								
					Possible lender fraud																								
					Possible lender fraud																								
					Refusal to release earnest money to seller wife buyer defaulted on contract																								
					Possible lender fraud, short sale issues																								
					Possible mishandling of escrow money and the HUD																								
					Did not do a recon, for the second mtg.																								
					No licensed escrow or title people working at the agency																								
					Failure to file Annual and Controlled Business report for the year 2008 when due																								
					Trust deed not showing on HUD																								
					Advertising on client web site.																								
					Sponsorship of golf tournament																								
					Sponsorship of golf tournament																								
					Unfair marketing to clients																								
					Money held in escrow to pay lien, Lien never paid																								
					Sponsorship of golf game																								
					Recording / easment issues																								
					Recording / easment issues																								
					Failure to timely file the 2008 Annual and Controlled Business Report by April 30, 2009																								
					Failure to file the Annual and Controlled Business Report for the calendar year 2008 by the due date of April 30, 2009																								
					Failure to file the Annual and Controlled Business Report for 2008 by the due date of April 30, 2009																								
					Sponsorship with client																								
					Unlicensed Title agency																								
					Sponsorship of event of a client																								
					Breach of fiduciary duty in releasing document: an adversarial joint tenant; causing other joint tenant to sustain an equity loss of \$40,000.																								
					Failure to file the Annual and Controlled Business Report for the calendar year 2008 by the due date of April 30, 2009																								
					Advertising rebated rates																								

## Title Insurance Investigations

Page 2



## Closed Investigation Summary Report

[illegible]

R592-6-3(6) "Immediate families" is defined as : spouse, children, stepchildren, children-in-law, mother, father, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, step-mother, step-father, step-brother, step-sister, half-brother, and half-sister.

R592-6-4(21) A person, as defined in 31A-1-301, ~~or~~ individual affiliated with a title insurer, agency or producer, or members of their immediate families cannot provide a loan or any type of financing to a client of title insurance.

**R592. Insurance, Title and Escrow Commission.**

**R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.**

**R592-6-1. Authority.**

This rule is promulgated pursuant to Section 31A-2-404(2), which authorizes the Title and Escrow Commission (Commission) to make rules for the administration of the Insurance Code related to title insurance, including rules related to standards of conduct for a title insurer, agency or producer.

**R592-6-2. Purpose and Scope.**

(1) The purpose of this rule is to identify certain practices, which the Commission finds creates unfair inducements for the placement of title insurance business and as such constitute unfair methods of competition. These practices include the payment of expenses that are considered normal, customary, reasonable and recurring in the operation of a client of a title insurer, agency or producer.

(2) This rule applies to all title insurers, title insurance agencies, title insurance producers and all employees, representatives and any other party working for or on behalf of said entities whether as a full time or part time employee or as an independent contractor.

**R592-6-3. Definitions.**

For the purpose of this rule the Commission adopts the definitions as set forth in Section 31A-1-301 and 31A-2-402, and the following:

(1) "Bona fide real estate transaction" means:

(a) a preliminary title report is issued to a seller or listing agent in conjunction with the listing of a property; or

(b) a commitment for title insurance is ordered, issued, or distributed in a purchase and sale transaction showing the name of the proposed buyer and the sales price, or in a loan transaction showing the proposed lender and loan amount.

(2) "Business Activities" shall include sporting events, sporting activities, musical and art events. In no case shall such business activities rise to the level of ceremonies, for example, award banquets, recognition events or similar activities sponsored by or for clients, or include travel by air, or other commercial transportation.

(3) "Business meals" shall include breakfast, brunch, lunch, dinner, cocktails and tips. In no case shall such business meals raise to the level of ceremonies, for example, awards banquets, recognition events or similar activities sponsored by or for clients.

(4)(a) "Client" means any person, or group, who influences, or who may influence, the placement of title insurance business or who is engaged in a business, profession or occupation of:

(i) buying or selling interests in real property; and

(ii) making loans secured by interests in real property.

(b) "Client" includes real estate agents, real estate brokers, mortgage brokers, lending or financial institutions, builders, developers, subdividers, attorneys, consumers, escrow companies and the employees, agents, representatives, solicitors and groups or associations of any of the foregoing.

(5) "Discount" means the furnishing or offering to furnish title insurance, services constituting the business of title insurance or escrow services for a total charge less than the amounts set forth in the applicable rate schedules filed pursuant to Section 31A-19a-203 or 31A-19a-209.

(6) "Official trade association publication" means:

(a) a membership directory, provided its exclusive purpose is that of providing the distribution of an annual roster of the association's members to the membership and other interested parties; or

(b) an annual, semiannual, quarterly or monthly publication containing information and topical material for the benefit of the members of the association.

(7) "Title insurance business" means the business of title insurance and the conducting of escrow.

(8) "Trade Association" means a recognized association of persons, a majority of whom are clients or persons whose primary activity involves real property.

#### **R592-6-4. Unfair Methods of Competition, Acts and Practices.**

In addition to the acts prohibited under Section 31A-23a-402, the Commission finds that providing or offering to provide any of the following benefits by parties identified in Section R592-6-2 to any client, either directly or indirectly, except as specifically allowed in Section R592-6-5 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition.

(1) The furnishing of a title insurance commitment without one of the following:

(a) sufficient evidence in the file of the title insurer, agency or producer that a bona fide real estate transaction exists; or

(b) payment in full at the time the title insurance commitment is provided.

(2) The paying of any charges for the cancellation of an existing title insurance commitment issued by a competing organization, unless that commitment discloses a defect which gives rise to a claim on an existing policy.

(3) Furnishing escrow services pursuant to Section 31A-23a-406:

(a) for a charge less than the charge filed pursuant to Section 31A-19a-209(5); or

(b) the filing of charges for escrow services with the Utah Insurance Commissioner (commissioner), which are less than the actual cost of providing the services.

(4) Waiving all or any part of established fees or charges for services which are not the subject of rates or escrow charges filed with the commissioner.

(5) Deferring or waiving any payment for insurance or services otherwise due and payable, including a series of real estate transactions for the same parcel of property.

(6) Furnishing services not reasonably related to a bona fide title insurance, escrow, settlement, or closing transaction, including non-related delivery services, accounting assistance, or legal counseling.

(7) The paying for, furnishing, or waiving all or any part of

the rental or lease charge for space which is occupied by any client.

(8) Renting or leasing space from any client, regardless of the purpose, at a rate which is excessive or inadequate when compared with rental or lease charges for comparable space in the same geographic area, or paying rental or lease charges based in whole or in part on the volume of business generated by any client.

(9) Furnishing any part of a title insurer's, title agency's, or title producer's facilities, for example, conference rooms or meeting rooms, to a client or its trade association without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.

(10) The co-habitation or sharing of office space with a client of a title insurer, title agency, or title producer.

(11) Furnishing all or any part of the time or productive effort of any employee of the title insurer, agency or producer, for example, secretary, clerk, messenger or escrow officer, to any client.

(12) Paying for all or any part of the salary of a client or an employee of any client.

(13) Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time licensed as a real estate agent or real estate broker or as a mortgage lender or mortgage company subject to 31A-2-405 and R592-5.

(14) Paying for the fees or charges of a professional, for example, an appraiser, surveyor, engineer or attorney, whose services are required by any client to structure or complete a particular transaction.

(15) Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity of a client, except as allowed under Subsection R592-6-5(6). Activities include open houses at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

(16) Sponsoring, cosponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R592-6-5(2) or otherwise providing things of value for promotional activities of a client. Title insurers, agencies or producers may attend activities of a client if there is no additional cost to the title insurer, agency or producer other than their own entry fees, registration fees, meals, and provided that these fees are no greater than those charged to clients or others attending the function.

(17) Providing gifts or anything of value to a client in connection with social events such as birthdays or job promotions. A letter or card in these instances will not be interpreted as providing a thing of value.

(18) Furnishing or providing access to the following, even for a cost:

- (a) building plans;
- (b) construction critical path timelines;
- (c) "For Sale by Owner" lists;

- (d) surveys;
- (e) appraisals;
- (f) credit reports;
- (g) mortgage leads for loans;
- (h) rental or apartment lists; or
- (i) printed labels.

(19) Newsletters cannot be property specific or cannot highlight specific customers.

(20) A title insurer, agency or producer cannot provide a client access to any software accounts that are utilized to access real property information that the insurer, agency or producer pays for, develops, or pays to maintain. Closing software is exempt as long as it is used for a specific closing.

(21) A person, as defined in 31A-1-301, or individual affiliated with a title insurer, agency or producer cannot provide a loan or any type of financing to a client of title insurance.

(22) Paying for any advertising on behalf of a client.

(23) Advertising jointly with a client on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title insurer, agency or producer may advertise independently that it has provided title insurance for a particular subdivision or condominium project but may not indicate that all future title insurance will be written by that title insurer, agency or producer.

(24) Advertisements may not be placed in a publication, including an internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a client.

(25) A donation may not be made to a charitable organization created, controlled or managed by a client.

(26) A direct or indirect benefit, provided to a client which is not specified in Section R592-6-5 below, will be investigated by the department for the purpose of determining whether it should be defined by the Commission as an unfair inducement under Section 31A-23a-402(8).

(27) Title insurers, agencies and producers who have ownership in, or control of, other business entities, including I.R.C. Section 1031 qualified intermediaries and escrow companies, may not use those other business entities to enter into any agreement, arrangement, or understanding or to pursue any course of conduct, designed to avoid the provisions of this rule.

#### **R592-6-5. Permitted Advertising, Business Entertainment, and Methods of Competition.**

Except as specifically prohibited in Section R592-6-4 above, the following are permitted:

(1) In addition to complying with the provisions of 31A-23a-402 and R590-130, Rules Governing Advertisements of Insurance, advertisement by title insurers, agencies or producers must comply with the following:

- (a) the advertisement must be purely self-promotional; and
- (b) advertisement in official trade association publications are permissible as long as any title insurer, agency or producer has an equal opportunity to advertise in the publication and at the standard rates other advertisers in the publication are charged.

(2) A title insurer, agency or producer may donate time to serve on a trade association committee and may also serve as an officer for the trade association.

(3) A title insurer, agency or producer may have two self-promotional open houses per calendar year for each of its owned or occupied facilities, including branch offices. The title insurer, agency or producer may not expend more than \$15 per guest per open house. The open house may take place on or off the title insurer's, agency's or producer's premises but may not take place on a client's premises.

(4) A donation to a charitable organization must:

- (a) not be paid in cash;
- (b) if paid by a negotiable instrument, be made payable only to the charitable organization;
- (c) be distributed directly to the charitable organization; and

(d) not provide any benefit to a client.

(5) A title insurer, agency or producer may distribute self-promotional items having a value of \$5 or less to clients, consumers and members of the general public. These self-promotional items shall be novelty gifts which are non-edible and may not be personalized or bear the name of the donee. Self-promotional items may only be distributed in the regular course of business. Self-promotional items may not be given to clients or trade associations for redistribution by these entities.

(6) A title insurer, agency or producer may make expenditures for business meals or business activities on behalf of any person, whether a client or not, as a method of advertising, if the expenditure meets all the following criteria:

(a) the person representing the title insurer, agency or producer must be present during the business meal or business activity;

(b) there is a substantial title insurance business discussion directly before, during or after the business meal or business activity;

(c) the total cost of the business meal, the business activity, or both is not more than \$100 per person, per day;

(d) no more than three individuals from an office of a client may be provided a business meal or business activity by a title insurer, agency or producer in a single day; and

(e) the entire business meal or business activity may take place on or off the title insurer's, agency's or producer's premises, but may not take place on a client's premises.

(7) A title insurer, agency or producer may conduct continuing education programs that are approved by the appropriate regulatory agency, under the following conditions:

(a) the continuing education program shall address only title insurance, escrow or other topics directly related thereto;

(b) the continuing education program must be of at least one hour in duration;

(c) for each hour of continuing education, \$15 or less per person may be expended, including the cost of meals and refreshments; and

(d) no more than one such continuing education program may be conducted at the office of a client per calendar quarter.

(8) A title insurer, agency or producer may acknowledge a

wedding, birth or adoption of a child, or funeral of a client or members of the client's immediate family with flowers or gifts not to exceed \$75.

(9) Any other advertising, business entertainment, or method of competition must be requested in writing and approved in advance and in writing by the Commission.

**R592-6-6. Enforcement Date.**

The commissioner will begin enforcing the provisions of this rule 45 days from the effective date of the rule.

**R592-6-7. Severability.**

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: title insurance**

**Date of Enactment or Last Substantive Amendment: June 25, 2009**  
**Authorizing, and Implemented or Interpreted Law: 31A-2-201;**  
**31A-23a-402**



**R592. Insurance, Title and Escrow Commission. (Effective 7-14-08)**  
**R592-8. Application Process for an Attorney Exemption for Title Agency Licensing**

**R592-8-1. Authority.**

This rule is promulgated by the Title and Escrow Commission pursuant to Section 31A-2-404 which authorizes the Commission to make rules for the administration of the provisions in this title related to title insurance and Section 31A-23a-204 which authorizes the Commission to make a rule to exempt attorneys with real estate experience from the three year licensing requirement to license a title agency.

**R592-8-2. Purpose and Scope.**

- (1) The purposes of this rule are
  - (a) to delegate to the Commissioner preliminary approval or denial of a request for exemption;
  - (b) to provide a description of the types of real estate experience that could be used by an attorney seeking to qualify for the exemption;
  - (c) to provide a process to apply for a request for exemption; and
  - (d) to provide a process to appeal a denial of a request for exemption.
- (2) This rule applies to all attorneys seeking an exemption under the provisions of 31A-23a-204.

**R592-8-3. Definitions.**

In addition to the definitions of Sections 31A-1-301, 31A-2-402 and 31A-23a-102, the following definitions shall apply for the purposes of this rule:

- (1) "Attorney" means a person licensed and in good standing with the Utah State Bar.
- (2) "Real estate experience" includes:
  - (a) law firm transactional experience consisting of any or all of the following:
    - (i) real estate transactions, including drafting documents, reviewing and negotiating contracts of sale, including real estate purchase contracts (REPC), commercial transactions, residential transactions;
    - (ii) financing and securing construction and permanent financing;
    - (iii) title review, due diligence, consulting and negotiations with title companies, researching and drafting opinions of title, coordinating with title companies, pre-closing;
    - (iv) zoning, development, construction, homeowners associations, subdivisions, condominiums, planned unit developments;
    - (v) conducting closings; and
    - (vi) estate planning and probate-related transactions and conveyances.
  - (b) law firm litigation experience consisting of any or all of the following:

- (i) foreclosures;
  - (A) judicial and non-judicial;
  - (B) homeowner association (HOA) lien foreclosure;
- (ii) either side of homeowner vs HOA litigation;
- (iii) state construction registry litigation - mechanics lien filing and litigation;
- (iv) real estate disputes or litigation involving:
  - (A) a real estate contract;
  - (B) a boundary line;
  - (C) a rights of way and/or easement;
  - (D) a zoning issue;
  - (E) a property tax issue;
  - (F) a title issue or claim;
  - (G) a landlord/tenant issue; and
  - (F) an estate and/or probate litigation involving real property assets, claims, and disputes.
- (c) non-law firm experience consisting of any or all of the following:
  - (i) real estate agent, broker, developer, investor;
  - (ii) mortgage broker;
  - (iii) general contractor;
  - (iv) professor or instructor teaching real estate licensing, real estate contracts, or real estate law;
  - (v) lender involved with any or all of the following real estate lending activities:
    - (A) lending;
    - (B) escrow; or
    - (C) foreclosure;
  - (vi) private lender;
  - (vii) in-house counsel involved in real estate transactions for bank, mortgage lender, credit union, title company, or title agency;
  - (viii) employment with or counsel to a government agency involved in regulation of real estate, such as HUD, FHA, zoning, tax assessor, county recorder, insurance department, and Federal or state legislatures;
  - (ix) escrow officer;
  - (x) title searcher; or
  - (xi) surveyor; and
  - (d) other experience with real estate not included in (a), (b), and (c) above.

**R592-8-4. Delegation of Authority.**

The Commission hereby grants its preliminary concurrence to the approval or denial of a request for exemption requested by an attorney pursuant to 31A-23a-204 to the Utah Insurance Commissioner.

**R592-8-5. Request for Exemption Process.**

- (1) An individual title licensee, who is an attorney as defined in this rule desiring to obtain an agency license under the exemption provided in 31A-23A-204(1)(c), shall make a request

for exemption to the Commissioner in accordance with the requirements of this subsection.

(2) The applicant will submit a letter addressed to the Commission:

(a) requesting exemption from the licensing time period requirements in 31A-23a-204(1)(a)(i); and

(b) providing the following information:

(i) the applicant's name, mailing address and email, telephone number, and title license number;

(ii) a description of the applicant's real estate experience; and

(iii) why the applicant feels that experience qualifies the applicant for the exemption.

(3) The Commissioner will review the request for exemption within five business days of its receipt and

(a) request additional information from the applicant;

(b) preliminarily approve the request for exemption; or

(c) preliminarily disapprove the request for exemption.

(4) The Commissioner will report monthly to the Commission all preliminarily approved or denied requests for exemption received and reviewed since the previous Commission meeting.

(5) The Commission will concur or non-concur with the Commissioner's preliminary approval or denial of a request for exemption.

(6) If the Commissioner's preliminary denial of a request for exemption is concurred with by the Commission, the Commissioner will

(a) notify the applicant of the denial; and

(b) inform the applicant of his right to agency review pursuant to R590-160.

(7) If the Commissioner's preliminary approval of a request for exemption is concurred with by the Commission, the Commissioner will expeditiously notify the applicant to submit an electronic license application and pay the required fees and assessments.

#### **R592-8-7. Penalties.**

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

#### **R592-8-8. Enforcement Date.**

The Commission will begin enforcing this rule on the rule's effective date.

#### **R592-8-9. Severability.**

If any provision of this rule or the application of it to any person or circumstance is for any reason held to be invalid, the remaining provisions to other persons or circumstances shall not be affected.

**KEY: attorney exemption application process**

**31A-1-301, 31A-2-308, 31A-2-402, 31A-2-404, 31A-23a-102, 31A-23a-204**